

Executive Registry

THE DIRECTOR OF CENTRAL INTELLIGENCE

77-9763/6

WASHINGTON, D. C. 20505

Deputy for National Intelligence

13 December 1977

NOTE FOR: The Director

Stan:

I am forwarding Jim's memo and draft letter since he has been working with you on this.

For my part, the proposed project of [redacted] seems extremely grandiose and overblown. I would wish him well on it but not get involved. Hence, I do not like the first sentence (or the last) of the second paragraph of Jim's draft letter.

Someone should be able to write a relatively succinct paper raising the issues which might be used at Aspen or Arden House as a basis for discussion.

[redacted]
Robert R. Bowie
D/DCI/NI

Attachment

NFAC

77-976 3/6

9 December 1977

MEMORANDUM FOR: Director of Central Intelligence

VIA : Director, National Foreign Assessment Center *rrb*

FROM : Coordinator for Academic Relations

SUBJECT : The Secrecy Project and your letter to

1. Action Requested: None; the following is the comment you requested.

2. Background: The impact of my talk with on 28 November is that the general discussion phase in which you are interested has been deferred (in thinking) for about 1 year -- until the summer of 1979. I touched on this phase in paragraph 9 of my memo but did not expand upon it because it played very little part in our talk. When it did come up, near the end, readily agreed that there should be extensive workshop-type discussions not only at Aspen but also at Harvard and a number of other universities.

3. I suspect that this change in the planning is a consequence of decision to assume responsibility for launching the study himself, though with some expectation (and considerable hope) that he will be able to persuade the new President to assume sponsorship eventually. I noted in my memo that he is planning to change the name of his committee so as to avoid the implications of the expression "anti-communist"; he is also planning to employ funds currently available to his committee for the financing of the first phase, which he described as a "feasibility study." It is obvious he is reaching for both Simon-purity and the kind of comprehensiveness that will put the study plan beyond reproach on grounds of narrowness or bias.

4. indicated in an aside to me at the meeting (which was out of the room) that he thought scheme was much more promising than the Aspen approach, mainly (I gathered) because the subject would not fit the Aspen format without a lot of preparatory work in any case.

SUBJECT: The Secrecy Project and your letter to

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5. I suggest you consider adding to your letter to [] a paragraph substantially as follows:

STAT

I have received [] report on your discussion of 28 November with interest but also with some disappointment. I appreciate your wish to make certain that a sound base for the study of official secrecy is laid before proceeding to the phase of open discussion. Nevertheless, in view of my own reading that the public climate is already favorable, I hope that you will find ways to speed up the process. I should feel much better about the secrecy project if I could expect the open discussion to be launched next summer rather than nearly a year later. I also urge that full advantage be taken of the Aspen Institute as a setting for the discussion, though naturally I do not object to the use of other arenas as well.

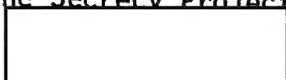
STAT

6. There is obviously some risk that your disenchantment will be communicated to [] and dampen his enterprise. But you may consider that risk worth taking if I have interpreted your impression of the current opinion climate correctly.

STAT



STAT SUBJECT: The Secrecy Project and your letter to



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Executive Registry
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*I'm now
skeptical of this since
your memo - I'm
still for Agen?*

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(EXECUTIVE REGISTRY FILE

NFAC

The Director
Central Intelligence Agency



Washington, D. C. 20505

STAT Dear

Thanks for your nice letter. I was certainly disappointed that you couldn't get to the Council on Foreign Relations talk in Chicago but fully understand. It would have been nice to have had a visit.

With regard to our project on secrecy in our open society, I am quite excited at the moment. The distorted revelations by Mr. Frank Snepp in his new book, Decent Interval, have been rather interesting. CBS, who put Snepp on its "Sixty Minutes" program, has received a great deal of correspondence complaining about the irresponsibility of a man who gives out classified information like this. I have just written an article for The Washington Post and am enclosing a copy of it for your information. In short, I think the time is ripe for the project we are discussing.

All the very best.

Yours,

STANSFIELD TURNER

Attachment



Secrecy and Society

by Stansfield Turner

There have been stories in the media in recent weeks concerning a new book that is critical of the CIA's role in the closing days in Vietnam. The media play on this publication questions whether the CIA had the right to review this book or, by extension, any work before publication, and if so whether it had the right to excise portions it reasonably considered damaging to national security.

The answer to the first question is unequivocally yes. The CIA had the right to review this book because the author had signed a specific agreement to that effect as part of the terms of his employment with the Agency. At no time prior to publication did he challenge the validity of that agreement. Rather, he claims there is some higher right which gives him the privilege of breaking that oath. Yet, all of the evidence upon which he bases that rationale was available to him when he met with me on the 17th of May. In that meeting he explicitly promised me that he would fulfill his written obligation to provide us his manuscript for review. More than that, he reaffirmed this obligation a few days later in writing. The Central Intelligence Agency, and I as its Director, accepted this man at his word. We made no effort to monitor the progress of his activities. He simply violated both his own oath and our trust. Moreover, his publisher, Random House, and his initial TV interviewer, "60 Minutes," have also acknowledged that they were party to this deliberate evasion of written and spoken promises.

Why do people and organizations feel that duplicity is justified in circumstances like these? Because, I suspect, of an erroneous premise, clearly expressed in some of the newspaper articles on this case, that government employees inevitably place covering their and their agencies' reputations above their duties and even above the law. This is a common, anti-establishment reaction which has become so familiar in recent years. Its fallacy lies in the absence of any evidence that the CIA, over the past year and a half when Mr. Snepp was writing his book, deliberately used secrecy to protect its reputation. To the contrary, the public record attests unequivocally to the Agency's willingness to face the past squarely whatever the effect on its public reputation. The self-revelations last July of the MKULTRA drug abuse activities of the 1950s and the 1960s are only the most recent examples of this forthright policy. What is at stake, however, is a fundamental issue for our society. If the society cannot trust the judgment of its public servants regarding what should or should not be withheld from the public, then the society can in fact have no secrets at all. The logical extension of the Ellsberg-Snepp syndrome is that any of our 210 million citizens is entitled to decide what should or should not be classified information.

Secrecy is, of course, dangerous. It can be abused. Yet, some things must be secret. Someone must be trusted to decide what truly is secret. Clearly there must be checks and balances on those who decide. But because these judgments are difficult does not mean that the chaos of no regulation at all is to be preferred. I believe that

the public recognizes the necessity for some secrecy in our modern society. There is no question that we each recognize it in our individual lives. Nor is there a question that we recognize it in the activities of corporations. Surely, it is not difficult to make the extension to government. None of us is so naive as to believe that we live in a totally open and benign world. Many of our efforts, like those directed toward strategic arms limitations, which could move us closer to the open and peaceful world which we all desire, would be impossible if we tried to negotiate from a position of total openness. Nonetheless, how much secrecy is necessary and who should decide what will remain secret are vexing issues.

How much must always be a matter of the subjective judgment of human beings. The best we can do is build into our system, as we have in the past few years, a series of bureaucratic checks and balances that will control secrets and secret activities, yet at the same time protect the public from any abuses which excessive secrecy can encourage. Beyond that, another check is the ballot box where the public exercises ultimate control over the quality of individuals in public office. And, also, the free media in our society can assist the public in ensuring against excesses of secrecy. However, such vigilance does not best proceed from the unsubstantiated assumption of evil motives on the part of all public servants. Investigative reporting does imply some measure of investigation. No one from Random House or CBS, for instance, contacted me or anyone in the CIA to investigate the other side of this story. It would appear

that they feared that we might have obtained an injunction against publication. Yet, an injunction is a legal mechanism of our judicial process. It, too, is a means of protecting the public. Should corporations be encouraged to skirt the legal mechanisms of our country by subterfuge?

- This case in itself is not worthy of this much discussion. It is only of interest as an example of our dwindling capacity to maintain the minimal level of secrecy essential to the effective operation of our intelligence apparatus as well as many other organs of our government. It is remarkable today, and I say this with no self-pride because I am a newcomer, that the Central Intelligence Agency can operate as effectively as it does despite these circumstances. President Carter has said, "One of the greatest surprises to me in coming to office is how effective the CIA is." The concomitant of this fine performance is the fundamentally healthy and patriotic attitude within the Agency despite its being a frequent whipping boy. There is no question in my mind that the people of the United States recognize the need for good intelligence and can appreciate the destructive effect the carping of a Snapp can have. It is time, instead, to concentrate on the constructive role of oversight of the CIA and other agencies of the government.

I hope that the public will join with us in the CIA in seeking constructively to understand and build our role for the future. We need less encumbrance from national self-flagellation over the past and more interest in how we can achieve a workable balance between

necessary secrecy on the one hand and oversight on the other.

Perhaps that venerable statesman, Averell Harriman, is overly generous when he often says, "The CIA is our first line of defense." But he is not far enough off that we can afford less than a constructive approach to what the Central Intelligence Agency should be providing for the defense of our country and its institutions.

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THE DIRECTOR OF
CENTRAL INTELLIGENCE

Executive Registry

77-9763/3

Deputy for National Intelligence

30 November 1977

NOTE FOR: The Director

2 DEC 1977

I hope we would not get involved
in the project covered by this report
from [] before a careful look.

[]
Robert R. Bowie
D/DCI/NI

Attachment

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Executive Registry

77-9763/4

Executive Registry

77-9763/2

29 November 1977

MEMORANDUM FOR: Director of Central Intelligence

VIA : Director, National Foreign Assessment Center

FROM : Coordinator for Academic Relations, NFAC

SUBJECT : Meeting with [REDACTED]

1. Action requested. None; this is for your information.

2. Background: [REDACTED]

[REDACTED] opened the discussion by saying that he had devoted a lot of thought to the subject of secret intelligence in a free society. He recalled that he had tried and failed to convince the last four presidents that the subject called for a Blue Ribbon Commission. But he had also learned that there were six ways to get to the other side of a mountain: around it (two ways), over it, under it, through it -- and "around the world." He said that what he had come up with was an around-the-world approach -- a sort of surrogate for a Blue Ribbon Commission, as I gathered.

3. The major elements of this appeared to be the following. First, it must be primarily a legal project. Second, it should be done by experts. Third, it should begin with a major "feasibility study" to determine the nature and scope of the problem and how it should be approached. Fourth, he had decided to take it on himself as a project of his [REDACTED] the name of which he proposed changing to [REDACTED]. He indicated that it would probably take six months to effect the change. He also said he hopes to interest the [REDACTED] who might adopt the project as his own, perhaps forming a special [REDACTED] Committee to take over sponsorship.

4. [REDACTED] said his objectives were "to pre-empt the field", recruit the best possible talent, collect all the available information, and to be sure that every aspect of the problem was examined from all possible angles. In the course of the next year, he said, he would expect to complete a plan of approach so thorough and so widely accepted that there could be little question of obtaining support for the required study. At the same time (though this received less emphasis in his explanation) he would be preparing the way both for the conduct and for the acceptance of the ultimate study itself.

NFAC

STAT SUBJECT: Meeting with [REDACTED]

5. The immediate project, then, is for a "feasibility study," [REDACTED] repeatedly stressed this description and title, saying that it provided fool-proof protection from critics and opponents of all varieties, who could be countered by saying in effect: "What's your beef? We want your inputs too." This study will be financed with funds available in his committee. It will proceed in two or possibly three phases. In the first phase, relying on a number of contacts (including Henry Kissinger, [REDACTED]), his committee will hire a "civilian professor," probably a young and promising law professor, to provide an outline plan (of the feasibility study) in about 90 days. While that is being done a second professor will be hired to critique, expand and refine the plan, also for about 90 days. If it then seemed desirable, he said, a third professor might be recruited for the same purpose. In the end, his committee should have a virtually unassailable plan, touching on all relevant considerations and representing all legitimate points of view. If it was lucky, he said, it would also have a functioning working committee consisting of the three professors and a staff director (with staff? -- this was not discussed).

[REDACTED]

STAT 7. [REDACTED] (1) that the [REDACTED] mentioned at our luncheon meeting in October is much broader than our interest but that (2) [REDACTED] might contribute helpfully to [REDACTED] feasibility study. [REDACTED] said to me afterwards that he considered [REDACTED] plan much more solid and promising than the idea of pursuing the same objective through the [REDACTED] format.

STAT 8. [REDACTED] said he could use three inputs from the CIA:

(a) Everything public on the subject of Intelligence, starting with an unclassified index. [REDACTED] suggested that most of the materials assembled for the White House in connection with the proposed Executive Order (or for the Select Committees?) probably could be declassified. It occurred to me that much of the materials assembled for or by the Church Committee might be available and useful.

(b) Access to the CIA clipping service and public releases.

(c) A list of all professed experts on Intelligence, especially lawyers, so that they might be consulted in the course of the feasibility study.

SUBJECT: Meeting with [REDACTED]

My impression of the above is that [REDACTED] wants everything that has been printed, pro and con, on the general subject of Secret Intelligence in a Free Society.

9. On scheduling: The feasibility study should be completed by the end of 1978. By the summer of 1979, assuming early success in gaining foundation support for the study itself, it should be possible to hold a series of workshops at Harvard, Aspen, Berkeley, etc.

10. In view of the diminished role suggested for Aspen we obviously need another short title for the project. May I suggest we call it "The [REDACTED] Project." I shall explore the possibility, feasibility, and legality of providing the assistance [REDACTED] requested. I am already persuaded, though, that he would be better advised to engage a clipping and reference service than to rely upon us in that regard.

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